REMARKS

The Final Office Action mailed March 14, 2006, has been received and reviewed. Claims 1-8, 19-52, 54, 55, 66-83, 94-101 and 112-127 are currently pending in the application. Claims 1-8, 19-52, 54, 55, 66-83, 94-101 and 112-127 stand rejected. Applicants have amended no claims herein, and respectfully request reconsideration of the application as presented herein.

Specification

The Final Office Action requested an update to the application information seen on page 9 if the status of the patent application has changed. Applicants respectfully acknowledge the request, however, no amendments of the status are made herein as the status of the co-pending application has not changed.

35 U.S.C. § 103(a) Obviousness Rejections

Obviousness Rejection Based on U.S. Patent No.6,728,208 to Puuskari.

Claims 1, 2, 5-8, 19, 20, 23-28, 31-38, 41-46, 49-52, 54, 55, 66-69, 72-77, 80-83, 94, -95, 98-101, 112, 113, 116-121, and 124-127 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicants' admitted prior art in view of Puuskari. (U.S. Patent No. 6,728,208). Applicants respectfully traverse this rejection, as hereinafter set forth.

> M.P.E.P. 706.02(j) sets forth the standard for a Section 103(a) rejection:
>
> To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine reference teachings. Second, there must be a reasonable expectation of success. Finally, **the prior art reference (or references when combined) must teach or suggest all the claim limitations.** The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). (Emphasis added).

The 35 U.S.C. § 103(a) obviousness rejections of claims 1, 2, 5-8, 19, 20, 23-28, 31-38, 41-46, 49-52, 54, 55, 66-69, 72-77, 80-83, 94, -95, 98-101, 112, 113, 116-121, and 124-127 are improper

because the elements for a prima facie case of obviousness are not met. Specifically, the rejection fails to meet the criterion that the prior art reference must teach or suggest all the claims limitations.

Applicants' invention, as presently claimed in the independent claims, recites among other matters:

Claim 1. ... **differentiating** the endpoints of the first Point-to-Point Protocol link and the second Point-to-Point Protocol link **using a link characteristic.**

Claim 19. ... **differentiating** the endpoint of each Point-to-Point Protocol session in the set **using a** session **link characteristic.**

Claim 27. ... **differentiating** the endpoint of each Point-to-Point Protocol sessions **using a** session **link characteristic.**

Claim 35. ... **differentiating** the endpoint of each of the multiple Point-to-Point Protocol sessions **using a** session **link characteristic.**

Claim 45. ... **differentiating** the endpoints of the first Point-to-Point Protocol link and the second Point-to-Point Protocol link **using a link characteristic.**

Claim 66. ... **differentiating** the endpoints of the first Point-to-Point Protocol link and the second Point-to-Point Protocol link within the wireless device **using a link characteristic.**

Claim 76. ... **differentiating** endpoints of the Point-to-Point Protocol sessions **using a** session **link characteristic.**

Claim 94. ... **differentiating** the endpoints of the first Point-to-Point Protocol link and the second Point-to-Point Protocol link **using a link characteristic.**

Claim 112. ... **differentiating** the endpoint of each Point-to-Point Protocol sessions in the set **using a** session **link characteristic.**

Claim 120. ... **differentiating** the endpoint of each Point-to-Point Protocol sessions **using a** session **link characteristic.**

In contrast to Applicants' claimed invention including the limitations of "differentiating ... using a [] **link** characteristic", the Puuskari reference teaches or suggests differentiating based upon a **data** characteristic. Specifically, the Puuskari reference teaches or suggests "each data packet is arranged to carry at least one QoS parameter, and **the scheduling and the policing** of the transmission of the data packets is made in packet by packet basis **according to** this QoS **information in the packets**". (Puuskari, col. 4, lines 16-20; emphasis added.)

Therefore, since the Puuskari reference does not teach or suggest Applicants' claimed invention including "differentiating ... using a [] **link** characteristic", the Puuskari reference cannot render obvious, under 35 U.S.C. §103, Applicants' invention as presently claimed in independent claims 1, 19, 27, 35, 45, 66, 76, 94, 112, 120. Accordingly, Applicants respectfully request the rejections of independent claims 1, 19, 27, 35, 45, 66, 76, 94, 112, 120 be withdrawn.

The nonobviousness of independent claims 1, 19, 27, 35, 45, 66, 76, 94, 112, 120 preclude a rejection of claims 2, 5-8, 20, 23-26, 28, 31-34, 36-38, 41-44, 46, 49-52, 54, 55, 67-69, 72-75, 77, 80-83, 95, 98-101, 113, 116-119, 121, and 124-127 which depend therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. *See* In re Fine, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988), *see also* MPEP § 2143.03.

Therefore, Applicants request that the Examiner withdraw the 35 U.S.C. § 103(a) obviousness rejection to independent claims 1, 19, 27, 35, 45, 66, 76, 94, 112, 120 and claims 2, 5-8, 20, 23-26, 28, 31-34, 36-38, 41-44, 46, 49-52, 54, 55, 67-69, 72-75, 77, 80-83, 95, 98-101, 113, 116-119, 121, and 124-127 which depend therefrom.

Furthermore, the 35 U.S.C. § 103(a) obviousness rejections of claims 1, 2, 5-8, 19, 20, 23-28, 31-38, 41-46, 49-52, 54, 55, 66-69, 72-77, 80-83, 94, -95, 98-101, 112, 113, 116-121, and 124-127 are improper because the do not teach or suggest the claim elements in as complete detail as is claimed in the invention. Specifically, the Puuskari reference does not teach or suggest the claim limitations of PPP sessions in as complete detail as is contained in the claim. In the Examiner's Response to Arguments in the Final Office Action, the Final Office Action alleges:

> While Puuskari is expressly directed to PDP contexts, Puuskari explicitly states that "[t]his concept of the invention may applied [sic] in any packet data communications network, even in one not using any PDP context, such as TCP/IP" (col. 5, lines 13-16). (Final Office Action, p. 2; emphasis added.)

Such a gratuitous teaching or suggestion that "may [be] applied in any packet data communications network, even in one not using any PDP context" does not rise to a "teaching or suggestion" as is required for a prima facie case of obviousness under 35 U.S.C. §103. Accordingly, Applicants respectfully request the rejections be withdrawn.

Furthermore in the Response to Arguments in the Final Office Action, the allegation that "[t]his concept of the invention may [be] applied in any packet data communication network, even in one not using any PDP contexts" (col. 5, lines 13-15) does not apply to the "concept" as alleged in the Final Office Action, but rather applies to the concept preceding the statement in the Puuskari reference, namely, the concept of distributing transmission over connection and connectionless paths depending on the necessary reliability. Specifically, the Puuskari reference recites:

> The data packets **requiring reliable** transmission, should be sent over a **reliable connection-oriented path**. The data packets that do **not require reliable** connection-oriented path, should be sent over **connectionless path.** Both the connection-oriented and the connectionless path can be established to transfer packets of only one PDP tunnel

> or they can be used by several PDP tunnels. Furthermore, **the establishment of different paths with different reliabilities** can be dynamic or static (i.e. on demand or when the tunnel (PDP context) is created). **This concept of the invention may [be] applied** in any packet data communications network, **even in one not using any PDP context**, such as TCP/IP, ATM, or X.25 network. (Puuskari, col. 5, liens 4-15; emphasis added).

Therefore, since the Puuskari reference does not teach or suggest Applicants' claimed invention including "differentiating ... using a [] link characteristic", the Puuskari reference cannot render obvious, under 35 U.S.C. §103, Applicants' invention as presently claimed in independent claims 1, 19, 27, 35, 45, 66, 76, 94, 112, 120. Accordingly, Applicants respectfully request the rejections of independent claims 1, 19, 27, 35, 45, 66, 76, 94, 112, 120 and claims 2, 5-8, 20, 23-26, 28, 31-34, 36-38, 41-44, 46, 49-52, 54, 55, 67-69, 72-75, 77, 80-83, 95, 98-101, 113, 116-119, 121, and 124-127 which depend therefrom be withdrawn.

Obviousness Rejection Based on Applicants' Admitted Prior Art in view of Puuskari and further in view of U.S. Patent No.6,765,909 to Sen et al.

Claims 3, 21, 29, 39, 47, 70, 78, 96, 114, and 112 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicants' admitted prior art in view of Puuskari and further in view of Sen et al.(U.S. Patent No. 6,765,909). Applicants respectfully traverse this rejection, as hereinafter set forth.

The nonobviousness of independent claims 1, 19, 27, 35, 45, 66, 76, 94, 112, 120 preclude a rejection of claims 3, 21, 29, 39, 47, 70, 78, 96, 114, and 112 which depend therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. *See* In re Fine, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988), *see also* MPEP § 2143.03.

Therefore, Applicants request that the Examiner withdraw the 35 U.S.C. § 103(a) obviousness rejection to independent claims 1, 19, 27, 35, 45, 66, 76, 94, 112, 120 and claims 3, 21, 29, 39, 47, 70, 78, 96, 114, and 112 which depend therefrom.

Obviousness Rejection Based on Applicants' Admitted Prior Art in view of Puuskari and further in view of U.S. Patent No. 6,400,722 to Chuah et al.

Claims 4, 22, 30, 40, 48, 71, 79, 97, 115, and 123 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicants admitted prior art in view of Puuskari. (U.S. Patent No.

6,728,208) in view of Chuah et al. (U.S. Patent No. 6,400,722). Applicants respectfully traverse this rejection, as hereinafter set forth.

The nonobviousness of independent claims 1, 19, 27, 35, 45, 66, 76, 94, 112, 120 preclude a rejection of claims 4, 22, 30, 40, 48, 71, 79, 97, 115, and 123 which depend therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. *See* In re Fine, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988), *see also* MPEP § 2143.03.

Therefore, Applicants request that the Examiner withdraw the 35 U.S.C. § 103(a) obviousness rejection to independent claims 1, 19, 27, 35, 45, 66, 76, 94, 112, 120 and claims 4, 22, 30, 40, 48, 71, 79, 97, 115, and 123 which depend therefrom.

ENTRY OF RESPONSE/AMENDMENTS

Applicants propose to amend no claims herein. The response should be entered by the Examiner because the remarks are supported by the as-filed specification and drawings and do not add any new matter to the application. Further, the response does not raise new issues or require a further search. Finally, if the Examiner determines that the remarks do not place the application in condition for allowance, entry is respectfully requested upon filing of a Notice of Appeal herein.

CONCLUSION

Claims 1-8, 19-52, 54, 55, 66-83, 94-101 and 112-127 are believed to be in condition for allowance, and an early notice thereof is respectfully solicited. Should the Examiner determine that additional issues remain which might be resolved by a telephone conference, he is respectfully invited to contact Applicants' undersigned attorney.

Respectfully submitted,

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